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15 Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 JERMAINE HAYNES, CORNELIUS CLARK,
20 CHESTER LEWIS, DAVID MCFARLIN II,
21 JOHN PONDS, AND GARRANT COSEY, on
22 behalf of themselves and all other persons
23 similarly situated,

24 Plaintiffs,

25 vs.

26 ANNA'S LINENS, ALAN GLADSTONE and
27 CARIE GLADSTONE DOLL,

28 Defendants.

CLASS ACTION

Case No. C05-02670-MMC

**[PROPOSED] ORDER GRANTING THE
MOTION OF ACKERMANN & TILAJEF
AND GOLDSTEIN, DEMCHAK, BALLER,
BORGEN & DARDARIAN TO WITHDRAW
AS COUNSEL FOR PLAINTIFF DAVID
MCFARLIN, II**

Date: January 27, 2006
Time: 9:00 a.m.
Dept: Courtroom 7, 19th Floor
Hon. Maxine M. Chesney

1 The Court, having considered the papers presented, and all other documents and argument of
2 counsel on the Motion of Ackermann & Tilajef and Goldstein, Demchak, Baller, Borgen, & Dardarian
3 to Withdraw as Counsel for Plaintiff David McFarlin, II, states as follows:

4 The Court finds that withdrawal is warranted because plaintiff David McFarlin failed to appear
5 for his duly noticed deposition and failed to communicate with his counsel to reschedule his deposition
6 despite counsel's repeated requests that plaintiff McFarlin contact them. Lack of cooperation by a
7 client with its counsel, including lack of communication, is a sufficient reason for allowing
8 withdrawal. See Hallmark Capital Corp. v. Red Rose Collection, Inc., No. 96 Civ. 2839, 1997 WL
9 661146, at *2 (S.D.N.Y. Oct. 21, 1997) (*quoting* Fischer v. Biman Bangladesh Airlines, No. 96 Civ.
10 3120, 1997 WL 411446, at *2 (S.D.N.Y. Jul. 18, 1997)), & cases cited therein; *see also, e.g.,* S.E.C. v.
11 Towers Fin. Corp., No. 93 Civ. 0744, 1996 WL 288176, at *3 (S.D. N.Y. May 31, 1996) (Peck, M.J.).

12 The Motion of Ackermann & Tilajef and Goldstein, Demchak, Baller, Borgen, & Dardarian to
13 Withdraw as Counsel for Plaintiff David McFarlin, II, is hereby granted.

14 IT IS SO ORDERED.

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16 Dated: January 27, 2006

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19 HON. MAXINE M. CHESNEY
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